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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,478	02/22/2002	Siani Lynne Pearson	B-4519 619565-9	8516

7590 03/22/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

PATEL, NIRAV B

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/080,478	Applicant(s) PEARSON ET AL.	
	Examiner Nirav Patel	Art Unit 2135	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: None.
 Claim(s) rejected: 1-3 and 6-8.
 Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
 13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed March 6, 2006 have been fully considered but they are not persuasive.

The currently amended claims 1 and 7 are same as previously amended claims in the final rejection. Examiner considers "current amended" term for claims 1 and 7 is typographic error.

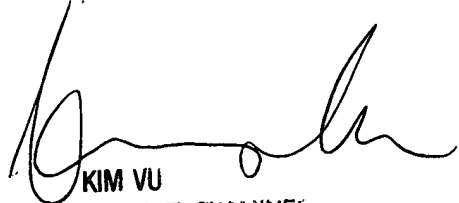
Applicant argues that:

"Dickinson is in face irrelevant to the presently claimed invention and Dickinson fails to disclose any of the limitations of claim 1".

Examiner does not agree with the applicant and still maintains that:

The broadly claimed language recites "an investigation agency selecting a user within the trusted computing environment; the investigation agency obtaining consent from the selected user to use an identity of the user in an investigation of a suspect party; the investigation agency creating an investigation identity which is owned by the user; investigation agency using the investigation identity to take part in transactions with the suspect party; and creating a record of those transactions". More explanation and/or clarification in the claimed language is needed from the applicant to help distinguish the instant application from the prior arts. Dickinson teaches an investigation agency (i.e. trust engine or secure server Fig. 1 component 110) selecting a user within the trusted computing environment [Fig. 1 (i.e. trusted computing environment), Fig. 2 (i.e. investigation agency) col. 3 lines 14-19, 60-67 "determining a type of certificate that corresponds to the cryptographic action. The method also comprises determining whether a user has access to a certificate matching the type, and when the user has access to the certificate, performing the cryptographic action using one or more of the private keys that correspond to the certificate" (i.e. selecting the user base on certificate type and performing the cryptographic action (e.g. authentication, authorization, digital signing and certificates, encryption, notary-like and power-of attorney-like actions, and the like) on behalf of the user), Fig. 9B, col. 2 lines 42-44]; the investigation agency obtaining consent from the selected user to use an identity of the user in an investigation of a suspect party (i.e. vendor) [col. 7 lines 43-49, col. 2 lines 36-41 (i.e. trust engine receives the request from the user for one or more cryptographic function, the trust engine authenticates the user. The trust engine generates and stores keys (i.e. identity) which are associated with the user and performs the cryptographic function (e.g. authentication, authorization, digital signing and certificates, encryption, notary-like and power-of attorney-like actions, and the like. "In addition, the cryptographic system may monitor agreements and determine to apply varying degrees of authentication, based on, for example, price, user, vendor, geographic location, place of use, or the like" col. 6 lines 1-5) on behalf of the authenticated user.) Fig. 1, 2]; the investigation agency creating an investigation identity which is owned by the user (i.e. identity is representing or belonging to the authenticated user) [col. 7 lines 53-59, the trust engine generates and stores the keys which are associated with the user)]; investigation agency using the investigation identity to take part in transactions with the suspect party [col. 8 lines 4-6 (i.e. the trust engine uses the key to perform the cryptographic function (e.g. authentication, authorization, digital signing and certificates, encryption, notary-like and power-of attorney-like actions, and the like. "In addition, the cryptographic system may monitor agreements and determine to apply varying degrees of authentication, based on, for example, price, user, vendor, geographic location, place of use, or the like" col. 6 lines 1-5) behalf of the authenticated user)]; and creating a record of those transactions [col. 12 lines 22-24, 27-30 "the transaction engine (Fig.2) keeps data corresponding to an audit trail (i.e. record of transaction) and stores such data in the mass storage"]].

For above reasons, it is believed that the rejections should be sustained.


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